

## REMARKS

Claims 1-3, 5, 7, 10, 11, 13-15, and 17-20 were pending in the Application as of the Office Action of September 24, 2009. Claims 1 and 19 are amended with this Response. Claims 18 and 21 added. The Examiner's rejections will now be respectfully addressed in turn.

### Rejections under 35 U.S.C. §103(a)

Claims 1-3, 5, 11, 15, and 16-21 have been rejected under 35 U.S.C. §103(a) as being obvious over French Patent No. 2,769,944 to Bernard ("Bernard" hereinafter) in view of Applicant Admitted Prior Art ("AAPA" hereinafter), United States Patent No. 6,672,630 to Kraeutler ("Kraeutler" hereinafter), and United States Patent No. 4,625,786 to Carter ("Carter" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

"wherein a spacer connects ends of the pair of stiffening bars and carries a roller engageable between two tracks that are formed in each of the vertical jambs."

Applicant respectfully asserts that none of Bernard, AAPA, Kraeutler, and Carter taken alone or in combination, teach a spacer that connects ends of a pair of stiffening bars and carries a roller engageable between two tracks that are formed in each of the vertical jambs. As is stated by the Examiner at page 3 of the Office Action, Bernard fails

to teach this element. Referring to item 11 at page 5 of the Office Action, the Examiner asserts that this element is instead taught at endpiece 46 of Figure 12 of Kraeutler (as combined with the screen of Bernard).

However, Applicant respectfully asserts that neither Kraeutler nor Bernard teach a spacer that *connects* ends of a pair of stiffening bars and carries a roller. On the contrary, Kraeutler teaches only a single end 46, and Bernard teaches no end at all (as conceded at page 3 of the Office Action). As the combined teaching of both Bernard and Kraeutler *fails to even teach a pair of ends*, this combination certainly fails to teach a spacer that *connects* a pair of ends and carries a roller. Neither AAPA nor Carter remedy this deficiency (or are used as such by the Examiner).

In addition, claim 19 recites *inter alia*,

“wherein two filler endpieces are engaged on the end of each of the two stiffening bars, the two tracks being engageable between the two endpieces, and the airtight lateral association being formed via the engagement of the two tracks between the two endpieces.”

For at least the above reasons, the proposed combination of Bernard, Kraeutler, AAPA, and Carter fails to teach two filler endpieces. As such, this combination certainly fails to teach an airtight lateral association being formed via engagement of the two tracks between the two endpieces.

For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-3, 5, 11, 15, and 16-20 with respect to the proposed combination of Bernard, AAPA, Kraeutler, and Carter. Since the proposed combination of Bernard, AAPA, Kraeutler, and Carter fails to teach or suggest all of the limitations of claims 1-3, 5, 11, 15, and 16-20, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references **(this motivation is particularly absent in view of the fact that Bernard teaches no**

**jams at all**), or a reasonable likelihood of success in forming the claimed invention by modifying/combining. Thus, here again, *prima facie* obviousness does not exist. *Id.* Applicant also respectfully notes that Claim 21 has been cancelled.

Claims 7, 10-11, and 13-14 have also been variously rejected under 35 U.S.C. §103(a) as being obvious over Bernard in view of AAPA, Kraeutler, carter, United States Patent No. 5,207,256 to Kraeutler (“Kraeutler ‘256” hereinafter), and United States Patent No. 6,119,758 to Coenraets (“Coenraets” hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 7, 10-11, and 13-14 depend from claim 1. As such, for at least the reasons discussed with regards to claims 1 and 19, the proposed combination of Bernard, AAPA, Carter, and Kraeutler does not teach every element of Applicant’s claims 7, 10-11, and 13-14. As neither Kraeutler ‘256 nor Coenraets remedies the deficiencies of Bernard, AAPA, Carter, and Kraeutler, Applicant further and respectfully asserts that any proposed combination of Bernard, AAPA, Kraeutler, Carter, Kraeutler ‘256, and Coenraets does not teach every element of Applicant’s claims 7, 10-11, and 13-14. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 7, 10-11, and 13-14 with respect to any proposed combination of Bernard, AAPA, Kraeutler, Carter, Kraeutler ‘256, and Coenraets. Since any proposed combination of Bernard, AAPA, Kraeutler, Carter, Kraeutler ‘256, and Coenraets fails to teach or suggest all of the limitations of claims 7, 10-11, and 13-14, clearly, one of ordinary skill at the time of Applicant’s invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by

modifying. Thus, here again, it is respectfully submitted that *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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